

Docket No.: 241763US6DIV

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

GREGORY J. MAIER  
(703) 413-3000  
GMAIER@OBLON.COM

ROBERT T. POUS  
(703) 413-3000  
RPOUS@OBLON.COM

RE: Application Serial No.: 10/644,731

Applicants: Francois VARDON

Filing Date: August 21, 2003

For: SHELF FOR SUPPORTING ARTICLES,  
PARTICULARLY IN REFRIGERATED  
INSTALLATIONS

Group Art Unit: 3637

Examiner: WILKENS, J.

SIR:

Attached hereto for filing are the following papers:

### RESTRICTION RESPONSE

Our check in the amount of        is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

\_\_\_\_\_  
Gregory J. Maier  
Registration No. 25,599

Customer Number

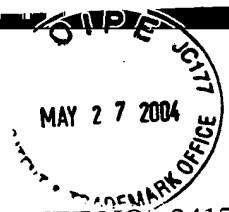
**22850**

(703) 413-3000 (phone)

(703) 413-2220 (fax)

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Robert T. Pous  
Registration No. 29,099

  
DOCKET NO: 241763US6DIV

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :  
FRANCOIS VARDON : EXAMINER: WILKENS, J.  
SERIAL NO: 10/644,731 :  
FILED: AUGUST 21, 2003 : GROUP ART UNIT: 3637  
FOR: SHELF FOR SUPPORTING :  
ARTICLES, PARTICULARLY IN  
REFRIGERATED INSTALLATIONS

RESTRICTION RESPONSE

COMMISSIONER FOR PATENTS  
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Office Action dated April 28, 2004, Applicant herein elects the product claims 1-9, 19 and 20 for prosecution in the present application.

The above election is being made with traverse. As the Examiner has pointed out, the burden is upon the Examiner to show that the claimed product and method are distinct. In fact, the Examiner's alleged basis for such distinction is unsupportable. Specifically, the Examiner has alleged that the claimed shelf can be made by another materially different process such as by using a plastic molded frame which is not shrunk to fit over the panel. However, it is noted that claim 1 recites that the "shelf is obtained by shrinking said at least one attached plastic structure after the at least one panel and the at least one attached plastic structure have been assembled." The claim thus excludes the alleged materially different process of manufacture.

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Reply to Office Action of April 28, 2004

Accordingly, there is no valid basis for distinction set forth in the restriction requirement, and so it is respectfully requested that all of the claims 1-20 be included in any Office Action issuing in the present application.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/03)

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Gregory J. Maier  
Attorney of Record  
Registration No. 25,599  
Robert T. Pous  
Attorney of Record  
Registration No. 29,099

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